REMARKS

Claim 2, withdrawn from consideration, has been amended to recite an "aminated complex-type oligosaccharide of the formula (1)", i.e., to delete the term "derivative".

Claim 4 has been rewritten in independent form by defining the aminated complex-type oligosaccharide of the claimed glycopeptide, previously defined by reference to claim 2, as being represented by formula (1). Additionally, the glycopeptide of claim 4 has been limited to one in which a thiol group of a peptide is bonded to the aminated complex-type oligosaccharide. Support for this amendment is found in the specification of the present application on page 7, line 11, to page 8, line 14, and, particularly, on page 7, lines 11-16, and page 7, line 28, to page 8, line 3. Claim 5 has been amended for consistency with the amendments to claim 4.

Claim 7 has been amended to limit the aminated complex-type oligosaccharide used in the process recited therein to the aminated complex-type oligosaccharide of formula (1) and to limit the glycopeptide to one in which a thiol group of a peptide is bonded to the aminated complex-type oligosaccharide.

Additionally, in the definition of formula (1) in claims 4 and 7, the recitation "except for the case where both R^2 and R^3 are hydrogen or the formula (5), and the case where one of R^2 and R^3 is

a hydrogen atom, with the formula (5) serving as the other thereof" has been deleted as being unnecessary to distinguish over the prior art.

Priority

The Office states that the applicants have not filed a certified copy of the Japanese priority application, No. 2003-202594 as required under 35 U.S.C. § 119(b). However, the present application is the national stage of international application PCT/JP2004/11036. As noted in MPEP §1893.03(c)(II), the "requirement in PCT Rule 17 for a certified copy of the foreign priority application is normally fulfilled by applicant providing a certified copy to the receiving Office or to the International Bureau or by applicant requesting the receiving Office to prepare and transmit the priority document to the International Bureau if the receiving Office issued the priority document." In the present application, the certified copy of the Japanese priority application was timely transmitted to the International Bureau as evidenced by the copy of PCT/IB/304 filed with the national stage application papers on January 25, 2006.

The Office is respectfully requested to "acknowledge in the next Office action that the copy of the certified copy of the foreign priority document has been received in the national stage

application from the International Bureau." (See MPEP §1893.03(c)(II), last sentence).

Claim Rejections - 35 USC § 112

This rejection is believed to have been overcome by the amendment to claim 2 noted above to delete the term "derivative."

Claim Rejections - 35 USC § 103(a)

Claims 4, 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rademacher et al. (D1) in view of Wong et al. (D2). Claims 4-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rademacher et al. (D1) in view of Wong et al. (D2) and further in view of Wright et al. (D3). Each of Rademacher et al. (D1), Wong et al. (D2) and Wright et al. (D3) are specifically identified in the Action.

Reconsideration and removal of these rejections to the extent that they apply to the claims as amended are believed to be in order and are respectfully requested.

As explained above, claims 4 and 7 have been amended to limit the glycopeptide of the invention to one in which a thiol group of a peptide is bonded to the aminated complex-type oligosaccharide. The glycopeptide of claims 4-8 is neither disclosed nor suggested by any of D1, D2 and D3, alone or in any combination thereof.

D1 disclosure nothing relating to the bonding of a thiol group to an aminated complex-type oligosaccharide derivative. D2 discloses attaching oligosaccharide to the cysteine residues of proteins. D3 discloses an antibody but discloses nothing concerning a glycopeptide comprising an aminated complex-type oligosaccharide of the formula (1) and a thiol group of a peptide, as recited in the amended claim 4.

Moreover, the glycopeptide as recited in claims 4-8 would not have been obvious to a person of ordinary skill in the art. The glycopeptide of the present invention as recited in claims 4-8 has properties as described in the specification of the present application on page 9, lines 14-26, and as shown in Test Example 1 (pages 22 and 23) that are neither disclosed nor expected from the cited art.

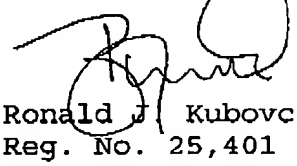
Specifically, as described on page 9, the glycopeptide of the invention is superior to naturally occurring complex-type asparagine-linked glycopeptide in resistance to sugar hydrolase (less prone to hydrolysis). The glycopeptide of the invention therefore exhibits improved stability in blood and prolonged life therein. This is proven by Test Example 1. Also in the glycopeptide of the invention, the physiologically active molecules are uniform in physiological activity (page 9, lines 20 to 26).

For the above reasons, the combination of D1 and D2 and the combination of D1, D2 and D3 are insufficient to support a case of obviousness under 35 U.S.C. § 103(a) and removal of the 35 U.S.C. § 103(a) rejections is in order.

The foregoing is believed to be a complete and proper response to the Office Action dated July 7, 2008, and is believed to place this application in condition for allowance.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension and any additional required fees may be charged to our Deposit Account No. 111833.

Respectfully submitted,
KUBOVCIK & KUBOVCIK



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